

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DISTRICT

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Civ. 15-5008
)	
FARRAH M. BIG CROW, et al.,)	
)	
Defendants.)	

OGLALA SIOUX TRIBE'S MOTION TO DISMISS

COMES NOW the Oglala Sioux Tribe ("Tribe"), pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), and moves the Court to dismiss this action. In support of its motion, the Tribe states as follows:

1. This action should be dismissed for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted because the United States, acting by and through the Secretary of Housing and Urban Development, has not complied with, or alleged compliance with, a jurisdictional prerequisite to the commencement and maintenance of an action to foreclose a leasehold mortgage and to liquidate a leasehold interest in Indian trust land under Section 184 of the Housing and Community Development Act of 1992, Pub. L. 102-550, 106 Stat. 3672 (Oct. 28, 1992), *codified as amended at* 12 U.S.C. § 1715z-13a.

2. As further grounds for its motion to dismiss, the Tribe incorporates by reference its Memorandum of Law in Support of Motion to Dismiss, as it set forth fully herein.

WHEREFORE, the Tribe moves the Court for its order dismissing this action for lack of subject matter jurisdiction and failure to state a claim on which relief can be granted.

Dated: April 7, 2015

Respectfully submitted,

/s/ Steven J. Gunn

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Attorney for Oglala Sioux Tribe

CERTIFICATE OF SERVICE

I certify that on April 7, 2015, I caused a true and accurate copy of the foregoing
to be served on the following by filing the same with the Court's Case

Management/Electronic Case Filing system:

Meghan K. Roche
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/s/ Steven J. Gunn
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